

about, and it poses very fundamental questions for us in this country: Who are we? What do we stand for? Are we going to change the current system?

There are those fighting change in the system, and those leading the fight are health insurance companies. They are making plenty of money under the current system even though causes such as Marcus Evans' end up being untreated, and young men end up suffering as a result of it.

That is why this health care debate is so important. I hope at some point, a couple, maybe even three Republican Senators would step up and say: We want to be part of this historic debate. We don't want to stand on the sidelines and complain about the plays that are being called. We want to be into the actual field of battle to help craft a bipartisan bill.

So far they have turned us down every step of the way except for one Senator, Ms. SNOWE of Maine. I hope that can change, and I hope those who come to the floor every day and complain about health care reform will take 1 day to propose their suggestions. What do they want to do? If they want to stick with the current system, if they do not want to change health care as we know it today, have the courage to stand up and say just that. But, unfortunately, they have said over and over again: We want to criticize. We want to opt out. We don't want to be part of this debate.

That doesn't solve the problems our Nation faces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first let me compliment my colleague from Illinois. He is right that the health care system in this country is in need of repair or reform. He is right also about the people who are out there believing they are insured when in fact they are one serious illness away from bankruptcy.

Ten years ago in Fargo, ND, I met a woman who had \$600,000 in the bank. She said she had a job, she had health insurance, and she had equity in a home. Ten years later it was gone. She has a very serious illness. She is a quadriplegic and needs a substantial amount of care, and all those assets are gone. She had insurance and all those assets are gone because her insurance had a cap.

A lot of people don't know that. They say: I have health insurance. Their insurance often has a cap on how much the insurance company will pay in the aggregate, which means they are just one serious illness away from bankruptcy. That is just one among others of the reasons there needs to be some change with respect to the health care issue.

I think this will be difficult. I commend the majority leader for trying to put a bill together. It will come to the floor of the Senate. We will have an op-

portunity to review it and offer amendments, which is the way it should be. My hope is at the end of the day we will be able to advance the issue of health care and improve the health care system in this country.

FEDERAL RESERVE POLICY

Mr. DORGAN. Mr. President, I wanted to mention very briefly—and I will speak about this a bit more later—the daily news about the payment of very large bonuses by some of the largest financial firms that received TARP funds or other funds from the Federal Government to try to keep them afloat during difficult times last year. The notices of the bonuses and profits of those firms at this point are very troubling to me and to a lot of other people.

I want to mention that a group of us a while back wrote to the Federal Reserve Board asking the Federal Reserve Board to release information about how much money went out the back door of the Federal Reserve Board when, for the first time in history, they allowed investment banks to come to the loan window of the Federal Reserve Board and get direct loans. For the first time in history, last year, they did that.

Now the question is, Who got money from the Fed's direct window? Under what conditions did they get that money? How much money did they get? A lot of us have asked the Federal Reserve Board to release that information.

Is that information important? It sure is, to me. Are the companies that are now proposing to pay the very large bonuses the same companies that got money out of the direct loan window of the Fed for the first time in history? Probably. What conditions were attached to that money? What were the rates, if any? We would like to know the specifics.

On September 16, the Chairman of the Federal Reserve Board wrote back to us saying that releasing these names would hinder the Fed's assistance efforts.

That is just a specious argument. The American people's money is put at risk. The American people have the right to know how much money went out that direct lending window at the Fed. We have a right to know—Members of Congress, the American people have a right to know. The Federal Reserve Board is saying we don't have a right to know and they don't intend to tell us.

I am going to talk about this a bit more later. There was a related FOIA case in which a judge found the Federal Reserve had "improperly withheld agency records." The judge called the Fed's argument that borrowers would be hurt if their names were released—the judge says "that was conjectural, without evidence of imminent harm."

Despite the fact that the judge has determined that, we still don't have a

release of this information. In a news article of a congressional hearing, it said a Federal official said the Fed was "giving serious consideration" to releasing the names of firms that received assistance.

In the same article they quoted Fed General Counsel Scott Alvarez as saying at the hearing:

We would be happy to work with you to establish procedures for disclosure.

A few days following that a Bloomberg news article said:

The Fed had decided to appeal the ruling that had ordered the Fed to release the information.

The question is, Why does the Fed believe we and the American people do not have a right to know? It makes no sense to me. I am going to speak about this at greater length later, but, clearly, as big bonuses are going out the back door, don't we have a right to know how much money went in the front door from the Federal Reserve to these institutions? How much, at what rate, and so on? I am going to continue to ask these questions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business has expired.

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I rise to speak on precisely the issue the clerk reported. That is something which is extremely important to me and also extremely important to the people of West Virginia, a historic decision we are going to make.

Today the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the Southern District of West Virginia. I have had the pleasure of knowing Judge Berger for many years and having a very high regard for her and liking her very much for many years. I continue to be amazed by her tremendous intellect, her calmness—a very marvelous calmness which speaks of integrity and knowledge and fearlessness in the face of whatever may come

up—and, of course, her complete dedication to public service, which I will talk about.

She is a phenomenal person and a true professional, which is why I am so proud to join with Senator BYRD in recommending her to the President for this judgeship. Without any doubt, Judge Berger is one of the most qualified people to serve on the Federal bench. She truly is unmatched—in her professionalism and in her experience and in her demeanor—for this position. She has the temperament that should be expected of any judicial nominee, which is not just calmness and the right demeanor, but she embraces the courtroom, masters the courtroom. She is in charge of the courtroom. It is a wonderful thing.

She is very smart, obviously. She is very fair. She is dispassionate, she is rational, she reaches her decisions in a very calm and deliberative way, showing respect and equal treatment to all claimants before her in the courtroom.

I think it is perhaps, and I would judge, her upbringing that helped Judge Berger to be the outstanding person and judge that she is today. She grew up in a very large family in one of the four poorest counties in the United States of America. She worked hard, got a good education, and ultimately earned her law degree from the West Virginia University College of Law.

Rather than seeking—which would make some sense in view of what she had been through—a high-paying job in a corporate law firm, which would have been hers just for the asking, so to speak, she decided to do what is natural to her, which is to give back to her community and to her State by devoting her entire 30-year legal career to serving her fellow West Virginians. In so doing, she has gained profound experience at nearly every level of our judicial system.

She began her career as a legal aid attorney, protecting the rights of our State's most vulnerable citizens, and then kept our communities safe by serving for 12 years as a prosecuting attorney in Kanawha County, WV, which is the county in which I live. She would go on to serve briefly as an assistant U.S. attorney for the Southern District of West Virginia before being appointed to fill a vacancy as a circuit judge for the Thirteenth Judicial Circuit of West Virginia, a position she held for 15 years.

As an attorney and a jurist, Judge Berger's hard work and determination have earned her the unqualified respect of all of her peers. Federal judges—everybody has written in saying this is the best person.

After her initial appointment to the circuit court, the voters of Kanawha County, WV—and that was part of why that position in the court is different from the one she is now hopefully going to be voted into—voted three times to keep her in that office because of her reputation as an honest, thoughtful, and skilled jurist.

I think we all agree the Federal judicial system is fundamental to our democracy's continued vitality, and there is absolutely no one I trust more than Judge Berger to faithfully and skillfully serve in this enormously important role.

Those are words, of course, but they are words, in my case, that come from deep within me. The American people deserve to know when they enter the courtroom that their judge is committed to justice and to equality and will treat them fairly, and that is exactly the type of judge Irene Berger is and will continue to be if we make that possible.

She made that clear in her confirmation hearing by saying:

I want to say very strongly that I will ensure that all parties are treated fairly and equally. They will be heard equally, be they rich or be they poor.

Judge Berger has also remained an integral part of our community and our State. With her uncommon wisdom and insight she assumed leadership positions, obviously, within the court system and has been called to serve and agreed to serve on a number of boards of nonprofit organizations and educational institutions.

She's writ large in life in West Virginia, I just have to say that. Her honors and awards are many. I almost hesitate to mention them because that is what everybody does, but it should be said: West Virginia College of Law, Outstanding Woman of Law Award; YWCA Woman of Achievement; the American Bar Association Foundation Fellowship; West Virginia University's Outstanding Alumna; and the NAACP Image Award for Leadership, to name just a few.

I am perhaps most impressed by Judge Berger's courage and determination and her refusal to back down from any worthwhile challenge. She was one of the first students to integrate her local elementary school in McDowell County. That was not easy. McDowell County is the most southern county in West Virginia and, in fact, most of it is south of Richmond, VA.

She is the first in her family to attend college. That can only be admirable. That can only talk about sacrifice and determination in a close family unit, family values. She was the first African-American woman to serve as a circuit court judge in West Virginia.

If confirmed today, she would, I proudly say, become the first African-American Federal judge in the history of West Virginia. Granted, the history of West Virginians is not as long as the history of New York. But it goes back to 1863, I would say to the Presiding Officer, and we are very proud of that.

I would like to close by personally thanking Judge Berger and her family. Her dedication to her country and State means so much to me. I wish to see her confirmed. I am not a lawyer, but I have been in West Virginia a long time. I started as a VISTA volunteer. I know a good person when I see one.

Her willingness to assume this important role speaks volumes about her character as a person and as a judge. I would like to thank President Obama for his leadership in nominating Judge Berger for this position. He could not have selected a more qualified person. I cannot wait for them to meet.

Finally, I would also like to thank Majority Leader REID, Minority Leader MCCONNELL, Chairman LEAHY, Ranking Member SESSIONS, and the whole Judiciary Committee for allowing us to move forward on this critical nomination by, I will have to say, a unanimous vote for forwarding her nomination.

We can rest assured Judge Berger will serve with enormous honor and distinction, as her predecessor, the Honorable David A. Faber, served before her.

I am proud and all West Virginians deserve to be proud and are proud, even if they have no idea what is going on right now, as one of our own premier legal minds and unwavering leaders continues to serve our Nation and the cause of justice.

I yield the floor, and I ask unanimous consent that all quorum calls during the debate on the Berger nomination be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I know time has been reserved for Members to debate the confirmation of a district court judge in West Virginia. I certainly support that confirmation. It is interesting that there are not too many Senators coming to talk about this particular judge, even though there was a request that we reserve time on the floor in order to debate the nomination.

I raise this because there are four nominees ready for confirmation to the courts of appeal and six district court judges who are ready for confirmation, having been moved through the committee, who, for some reason, Republicans are now not allowing us to bring to the floor for confirmation. This is a deliberate effort to try to slow pace of the confirmation process of Federal judges appointed by President Obama.

I think this is wrong, and people should understand it. In my own circumstance in Maryland, we have a judge who has been approved by the committee for the circuit court of appeals, Judge Andre Davis. A hearing took place in April of this year. The Judiciary Committee reported out his confirmation by an affirmative vote of 16 to 3. This is clearly a nonpartisan